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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GREENE, DANIEL LAWSON

ART UNIT	PAPER NUMBER
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3694

NOTIFICATION DATE	DELIVERY MODE
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04/28/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/785,929	Applicant(s) KUMAR ET AL.	
	Examiner DANIEL L. GREENE JR.	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's 1/25/2010 response to the previous 11/13/2009 Non-Final Office action has been considered and entered. Claims 13 and 15-23 are pending and have been examined on the merits.

Response to Arguments

2. Applicant's 1/25/2010 arguments with respect to the 35 USC 102 rejection set forth in section 6 of said previous Office action have been fully considered and are persuasive.

Accordingly said rejection is withdrawn.

3. Applicant's 1/25/2010 arguments with respect to the 35 USC 103 rejection set forth in section 7 of said previous Office action have been fully considered but they are not persuasive.

Applicant argues on page 7:

"Therefore, applicant amends the claim to clarify that a first Internet site is accessible by the computerized appliance comprising bill-payment software providing an interactive interface enabling the user to select, view and pay itemized bills gathered from billing sources at third Internet sites. Applicant argues that the art of Schrader allows a user to navigate to one Internet site at Wells Fargo and view and pay a credit card bill. The credit card bill may teach itemized transactions, but these transactions are not itemized bills gathered from third Internet sites, as claimed. Schrader merely teaches that a user can log onto their account at a single biller and pay their bill. Applicant's invention improves upon this art by providing bills for payment to a user that were gathered for the user at third enterprise sites. Schrader does not teach or suggest gathering bills from other Internet sites and presenting them to the user and providing a facility to select and pay those bills. Schrader provides one site from one biller wherein a user can pay the bill at the site."

Response:

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Resort may be had to MPEP section 2144.04 as well as the following case law as evidence of the level of knowledge of one of ordinary skill in support of the following contentions.

A. In re Shepard, 138 USPQ 148 (CCPA 1963)

“In considering disclosure of reference patent, it is pertinent to point out not only specific teachings of patent but also the reasonable inferences which one skilled in the art would logically draw therefrom.”

B. In re Bozek, 163 USPQ 545 (CCPA 1969)

“Reference disclosure must be evaluated for all that it fairly suggests and not only for what is indicated as preferred”

C. In re Fout, 213 USPQ 532 (CCPA 1982), *In re Siebentritt*, 152 USPQ 618 (CCPA 1967)

“Express suggestion to substitute one equivalent technique for another need not be present to render such substitution obvious”

D. In re Wood, 202 USPQ 171 (CCPA 1979)

“In resolving the question of obviousness under 35 USC 103, we presume full knowledge by the inventor of all the prior art in the field of his endeavor. However, with regard to prior art outside the field of his endeavor, we only presume knowledge from those arts reasonably pertinent to the particular problem with which the inventor was involved “

As admitted by applicant, Schrader clearly discloses a user logging onto an account at a biller to pay a bill. Duplicating this process allows for multiple bills to be paid at multiple billers. Aggregating this data into one location is obvious to one of

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ordinary skill in the art because aggregation and manipulation of data is the primary purpose of computers.

Schrader clearly discloses in, for example, Fig. 16 updating information from 5 online banking accounts. One of ordinary skill in the art would be apprised that this number of accounts could be duplicated for any number of accounts.

As for the argument “Schrader does not teach or suggest gathering bills from other Internet sites and presenting them to the user and providing a facility to select and pay those bills”. Schrader appears to provide software (Quicken) that resides locally on a user’s computer, however there is no novelty in having the program and data gathering methods reside on a server that a user must log in to access. One of ordinary skill would understand this to be an obvious separation of parts, i.e. moving the software from one computer to another and then accessing it in another fashion, i.e. by PDA, cell phone, etc. Regardless the end result is the same, the process of accessing and presenting itemized bills for payment is disclosed. Fig. 14 shows support for the Examiners contention in that Application interface 1403 can be considered the “second internet site” that collects the itemized bills and bill related data.

“The application interface module 1403 enables the personal online finance application 304 to execute as a plug-in in various online environments such in America Online. TM., Netscape Communications Inc.'s Navigator. TM., and Microsoft Corp.'s Internet Explorer. TM.. This module is implemented on a per environment basis. When invoked, this module initializes the rest of the personal online finance application 304 and on completion ensures its safe termination. The application interface module 1403 is a hidden window that transfers data from the user interface and the rest of the modules using a messaging architecture. This module transfers state information from the operating environment to the user interface module 1401, and to the other modules. This enables the application 304 to be used with a variety of

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different operating environments.

(52) A platform independent layer 1405 comprise of three modules. All these modules may be recompiled on a different platform and their implementations do not vary significantly on other desktops.”

Fig. 3 of Schrader, item 111 is a drop down menu allowing the user to change the account particulars being viewed. This of course would include bills from the credit card companies or ANY OTHER institution capable of sending a bill. Again, the use of the internet and its inherent benefits are clearly obvious to one of ordinary skill in the art. I.e. the use of servers, duplication of parts for reliability, ease of access of data from any point of access, etc. Again, this is general knowledge of one of ordinary skill in the art of computers and bill pay systems.

Fig. 4 also shows online bill payment to a credit card and city garbage. Again, it is considered that one of ordinary skill in the art would know that if the companies did have the ability to remit payments via the internet they would for the cost benefits of eliminating paper, handling, postage, etc.

4. Applicant’s 1/25/2010 arguments with respect to the 35 USC 102 rejection set forth in section 8 of said previous Office action have been fully considered but they are not persuasive.

Applicant argues on page :

“Applicant points out that the reference of Remington teaches (Abstract) A bill presentment and payment remittance system is configured for use over an electronic network, such as the Internet. The bill presentment and payment remittance system allows the biller to create a bill and payment remittance information in a format specified by the biller. The biller submits the bill and associated payment remittance information

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by electronically transmitting~ it over the Internet to the consumer. Applicant points out that no amount of finessing by the Examiner can change the clear recitation of applicant's claimed limitations or the clear teaching of Remington. Remington plainly teaches that the biller sends the bill to the consumer. No automated navigation on the Internet to the biller takes place at the second Internet site. No person with any reasonable skill in the art could interpret Remington's teaching otherwise.

Response:

Resort may be had to MPEP section 2144.04 as well as the following case law as evidence of the level of knowledge of one of ordinary skill in support of the following contentions

A. In re Shepard, 138 USPQ 148 (CCPA 1963)

“In considering disclosure of reference patent, it is pertinent to point out not only specific teachings of patent but also the reasonable inferences which one skilled in the art would logically draw therefrom.”

B. In re Bozek, 163 USPQ 545 (CCPA 1969)

“Reference disclosure must be evaluated for all that it fairly suggests and not only for what is indicated as preferred”

C. In re Fout, 213 USPQ 532 (CCPA 1982), *In re Siebentritt*, 152 USPQ 618 (CCPA 1967)

“Express suggestion to substitute one equivalent technique for another need not be present to render such substitution obvious”

D. In re Wood, 202 USPQ 171 (CCPA 1979)

“In resolving the question of obviousness under 35 USC 103, we presume full knowledge by the inventor of all the prior art in the field of his endeavor. However, with regard to prior art outside the field of his

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endeavor, we only presume knowledge from those arts reasonably pertinent to the particular problem with which the inventor was involved “

As admitted by applicant Remington clearly discloses that bills are electronically transmitted over the internet to a consumer. Per *In re Fout*, 213 USPQ 532 (CCPA 1982), *In re Siebentritt*, 152 USPQ 618 (CCPA 1967)

“Express suggestion to substitute one equivalent technique for another need not be present to render such substitution obvious”

Accordingly, one of ordinary skill in the art would understand that it is immaterial whether the biller sends the bill to the consumer or the consumer retrieves the bill from the biller. The end result remains the same, i.e. the bill made it to the consumer.

Applicant’s allegation that automation of the bill retrieval is novel is untenable.

Per *In re Venner*, 120 USPQ 192 (CCPA 1958), *In re Smith*, 73 USPQ 394

“If a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. It must amount to an invention”

Per *In re Venner*, 120 USPQ 192 (CCPA 1958), *In re Rundell*, 9 USPQ 220

“It is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result”

Accordingly one of ordinary skill in the art would expect the manual process of gathering these bills to be automated as such is nothing more than applying a known

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technique (gathering bill data) to yield predictable results all of the data is presented to the consumer.

Claim Rejections - 35 USC § 103

5. Claims 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 5,903,881 to Schrader et al. (Schrader) in view of MPEP section 2144.04 for the reasons set forth in section 7 of said previous Office action.

See the discussion set forth in section 3 above.

6. Claims 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,070,150 to Remington et al. (Remington) in view of MPEP section 2144.04 for the reasons set forth in section 8 of said previous Office action.

See the discussion set forth in section 4 above.

Conclusion

7. Applicant is invited to contact the Examiner telephonically at the number set forth below to discuss the contentions and state of the art of electronic bill payment set forth above.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE JR. whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./
Examiner, Art Unit 3694
2010-04-24

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/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694